



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jackson for Virginia
Theodora J. Jackson as treasurer
Scott B. Mackenzie,
Compliance Consultant
2776 S. Arlington Mill Drive
Number 806
Arlington, VA 22206

NOV 21 2014.

RE: MUR 6693
Jackson for Virginia and
Theodora J. Jackson as treasurer

Dear Mr. Mackenzie:

The Federal Election Commission ("Commission") previously notified Jackson for Virginia and Theodora J. Jackson in her official capacity as treasurer (collectively, the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. (Please note that on September 1, 2014, the Act was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.)

On November 18, 2014, based upon the information contained in the complaint and information provided by you on behalf of the Committee, the Commission found no reason to believe that the Committee violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)) with respect to the allegations in this matter. The Commission also dismissed the allegation that the Committee violated 52 U.S.C. § 30104(b)(3)(A) (formerly 2 U.S.C. § 434(b)(3)(A)), pursuant to the Commission's prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Accordingly, the Commission closed its file in this matter on November 18, 2014.

The Commission encourages the Committee to review the Factual and Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy is enclosed for the Committee's information and future reference. In particular, the Commission reminds the Committee to comply with the requirements of 52 U.S.C. § 30104(b)(3)(A) (formerly 2 U.S.C. § 434(b)(3)(A)) as it pertains to the accurate disclosure of contributor information. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

Enclosure:
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 RESPONDENTS: Jackson for Virginia
6 and Theodora J. Jackson as treasurer

MUR 6693

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8 **I. INTRODUCTION**

9 This matter was generated by a Complaint asserting violations of the Federal Election
10 Campaign Act of 1971, as amended (the "Act")¹ by Respondents Jackson for Virginia and
11 Theodora J. Jackson in her official capacity as treasurer (collectively, the "Committee"),² in
12 connection with allegedly excessive contributions. After reviewing the record, the
13 Commission found no reason to believe that the Committee accepted excessive contributions,
14 in violation of 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)). The Commission also
15 dismissed the allegation that the Committee violated 52 U.S.C. § 30104(b)(3)(A) (formerly
16 2 U.S.C. § 434(b)(3)(A)) in connection with its reporting of the contributions at issue, and
17 reminded the Committee to comply with the requirements of 52 U.S.C. § 30104(b)(3)(A)
18 (formerly 2 U.S.C. § 434(b)(3)(A)).

19 **II. FACTUAL AND LEGAL ANALYSIS**

20 **A. Factual Background**

21 Smith notes that the Committee disclosed the following contributions: \$1,000 from
22 "Mrs. Elizabeth C. Jenks" on March 12, 2012;³ \$1,000 from "Mrs. Chardon Jenks" on April
23

¹ On September 1, 2014, the Act was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Jackson for Virginia is the principal campaign committee of Earl W. Jackson, Sr., unsuccessful 2012 primary election candidate for U.S. Senate for Virginia. All of the contributions in this matter are attributed to the primary election.

³ See Committee's 2012 April Quarterly Report, filed on April 14, 2012 ("Committee's April Quarterly Report") at 6.

1 18, 2012;⁴ \$500 from “Mrs. Chardon Jenks” on April 24, 2012;⁵ and \$2,500 from
2 “Mrs. Elizabeth C. Jenks” on June 11, 2012.⁶ Compl. at 1. The addresses for the
3 contributions are nearly identical post office boxes in Keswick, Virginia. *Id.*⁷ The Complaint
4 alleges that “Elizabeth C. Jenks” and “Chardon Jenks” are in fact the same individual, and
5 that she contributed \$5,000 to the Committee.⁸ *Id.* Therefore, according to the Complaint,
6 Elizabeth C. Jenks, aka “Chardon Jenks,” and the Committee violated the Act by making and
7 accepting excessive contributions, respectively. *Id.*

8 The Complaint also alleges that “Elizabeth Harrigan,” whom the Complaint identifies
9 as Jenks’s sister-in-law, contributed \$1,000 to the Committee on June 11, 2012, and that
10 “Terrell Harrigan,”⁹ identified as Jenks’s niece, contributed \$2,500 on June 11, 2012.¹⁰
11 Compl. at 1. The Complaint claims that these contributions “may all be from one and the
12 same person” or, alternatively, may have been “laundered through relatives.” *Id.* According
13 to the Complaint, an obituary for Mrs. Jenks’s late husband, Dr. John S. Jenks, a copy of
14 which is appended to the Complaint,¹¹ supports these assertions. *Id.*; *see also* Compl., Attach.

⁴ See Committee’s 2012 12-Day Pre-Primary Report, filed on May 31, 2012 (“Committee’s Pre-Primary Report”) at 8.

⁵ See Committee’s Pre-Primary Report at 8.

⁶ See Committee’s 2012 July Quarterly Report, filed on July 14, 2012 (“Committee’s July Quarterly Report”) at 6.

⁷ See Committee’s April Quarterly Report at 6; Committee’s Pre-Primary Report at 8; and Committee’s July Quarterly Report at 6.

⁸ The contribution limit in 2011-2012 was \$2,500 per election to a candidate’s committee. See FEC Brochure for March 2011 at 6; available at <http://www.fec.gov/pdf/record/2011/march11.pdf#page=7>.

⁹ The Complaint uses the surname “Hartigan,” instead of “Harrigan.”

¹⁰ See Committee’s July Quarterly Report at 5-6.

¹¹ No source for the obituary is provided.

1 The Complaint surmises that the Committee may have been aware of “the attempt to conceal
2 the apparently excessive contributions.” *Id.*¹²

3 In its Response, the Committee explains that “Mrs. Elizabeth Chardon H. Jenks” and
4 “Elizabeth Jenks” are mother and daughter, respectively, and that their similar names may
5 have created the appearance of an excessive contribution from one individual. Committee
6 Resp. at 1-2. The Committee asserts that it did not accept excessive contributions from the
7 donors listed in the Complaint, but acknowledges that it may have “aggregated some of the
8 contributions incorrectly between” Mrs. Elizabeth Chardon H. Jenks and Elizabeth Jenks. *Id.*
9 The Committee states that it will review its financial disclosure reports and amend them, if
10 necessary. *Id.*¹³

11 Attached to the Committee’s Response is a sworn and notarized letter from Elizabeth
12 Chardon H. Jenks (signed “Chardon Jenks”) stating she made a total of \$2,500 in
13 contributions to the Jackson campaign in 2012 as follows: \$1,000 on May 10, 2012;¹⁴ \$1,000
14 on April 18, 2012; and \$500 on April 24, 2012. Jenks Resp. Mrs. Jenks further states that her
15 daughter, Elizabeth Jenks, made an online contribution of \$2,500 to the Jackson campaign on
16 May 27, 2012,¹⁵ with her separate credit card, and that she and her daughter each pay their
17 own credit card bills. *Id.*

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¹² The Complaint offers no credible support for these allegations. Therefore, the Commission did not address them further.

¹³ It appears that the Committee may be referring to its July Quarterly Report, which discloses that “Mrs. Elizabeth C. Jenks” contributed \$3,500 during the election cycle, or \$1,000 above the contribution limit. To date, the Committee has not amended the Report.

¹⁴ It appears that Mrs. Jenks may be referring to the contribution disclosed by the Committee as having been received on March 12, 2012.

¹⁵ The Committee disclosed the receipt date of this contribution as “June 11, 2012.”

B. Legal Analysis

A "contribution" is defined as any "gift, subscription, loan . . . or anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8)(A)(i) (formerly 2 U.S.C. § 431(8)(A)(i)); *see also* 11 C.F.R. § 100.52(a). An individual is prohibited from making contributions to a candidate in excess of the limits at 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)), and candidate committees are prohibited from knowingly accepting excessive contributions. 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)). The Act also requires candidate committees to identify individuals contributing over \$200 per election cycle, the amounts of their contributions and dates received, and the aggregate "election cycle to date" amount of their contributions to the committee. 52 U.S.C. § 30104(b)(3)(A) (formerly 2 U.S.C. § 434(b)(3)(A)); *see also* 11 C.F.R. § 104.3(a)(4).

It appears the Committee did not accept the excessive contributions alleged in the Complaint. According to the sworn and notarized letter from Chardon Jenks that was attached to the Committee's response, Chardon Jenks and Elizabeth Jenks each made a total of \$2,500 in contributions to the Committee. Additionally, Elizabeth Harrigan and Terrell Harrigan each submitted sworn, notarized responses indicating in turn that Elizabeth Harrigan made only a \$1,000 contribution to the Committee and Terrell Harrigan made only a \$2,500 contribution to the Committee in the 2012 cycle. Therefore, the Commission found no reason to believe that Jackson for Virginia and Theodora J. Jackson in her official capacity as treasurer violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)), with respect to the allegations in this matter.

1 Furthermore, while it appears that the Committee may have violated 52 U.S.C.
2 § 30104(b)(3)(A) (formerly 2 U.S.C. § 434(b)(3)(A)) in connection with its reporting of the
3 contributions at issue, the Commission exercised its prosecutorial discretion and dismissed the
4 allegation given the amount at issue. *See Heckler v. Chaney*, 470 U.S. 821 (1985). In light of
5 the fact that the Committee failed to amend its report to date, the Commission reminded the
6 Committee to comply with the requirements of 52 U.S.C. § 30104(b)(3)(A) (formerly
7 2 U.S.C. § 434(b)(3)(A)).